

REMARKS

The Office Action dated August 22, 2005, has been received and carefully considered. It is believed that the following remarks place the application in immediate condition for allowance. Accordingly, entry of this Amendment and favorable consideration of the application are respectfully requested. Reconsideration of the outstanding rejections in the present application is also respectfully requested based on the following remarks.

I. THE ANTICIPATION REJECTION OF CLAIMS 1-20, 23 AND 24

On page 3 of the Office Action, claims 1-20, 23 and 24 were rejected under 35 U.S.C. § 102(e) as being anticipated by Kekic (U.S. Patent No. 6,788,315). This rejection is hereby respectfully traversed.

Under 35 U.S.C. § 102, the Patent Office bears the burden of presenting at least a prima facie case of anticipation. In re Sun, 31 USPQ2d 1451, 1453 (Fed. Cir. 1993) (unpublished). Anticipation requires that a prior art reference disclose, either expressly or under the principles of inherency, each and every element of the claimed invention. Id.. "In addition, the prior art reference must be enabling." Akzo N.V. v. U.S.

International Trade Commission, 808 F.2d 1471, 1479, 1 USPQ2d 1241, 1245 (Fed. Cir. 1986), cert. denied, 482 U.S. 909 (1987). That is, the prior art reference must sufficiently describe the claimed invention so as to have placed the public in possession of it. In re Donohue, 766 F.2d 531, 533, 226 USPQ 619, 621 (Fed. Cir. 1985). "Such possession is effected if one of ordinary skill in the art could have combined the publication's description of the invention with his own knowledge to make the claimed invention." Id..

Regarding independent claims 1 and 11, the Examiner asserts that Kekic teaches a method for configuring networks using a processor, comprising, among other things: a) abstracting interface data regarding at least one network element (Kekic, column 26, lines 31-58). In response to the Applicant's arguments, the Examiner asserts that Kekic describes an element manager that builds off a network management information database (Kekic, column 26, lines 44-50). The Examiner also asserts that Kekic goes on to describe the element manager as follows: "Element manager 800 is an abstract representation of the managed computer network element that when executed on manager 404 of managed element server 314 manages and monitors

the managed computer network element associated with element manager 800." (Kekic, column 26, lines 31-58).

However, Applicant respectfully submits that the excerpts relied upon by the Examiner do not teach or suggest the step of "abstracting interface data regarding at least one network element," as expressly set forth in claims and 1 and 11. Rather, the element manager 800 referenced by the Examiner merely comprises an abstract representation managed computer network element, not any feature or functionality that actually performs the step of "abstracting":

Element manager 800 (FIG. 8) is a standardized, cross-vendor structure that can be built using visual element manager builder 406 (FIG. 4), as described more completely below, to support any computer network element that can be managed using the network management protocol. **Element manager 800 is an abstract representation of the managed computer network element that when executed on manager 404 of managed element server 314 manages and monitors the managed computer network element associated with element manager 800.**

The information stored in element manager 800 is divided into two categories, basic information 801 and event management information 802. Basic information 801 includes (i) visual display information 810 that is used to provide a user with a visual display of the managed computer network element in element image area 602, (ii) hotspots of the managed computer network element, and (iii) attributes of each hot spot.

Kekic, Col. 26, lines 41-58 (emphasis added).

Further, Applicant respectfully submits that, unlike Kekic, the systems and methods comprise a configuration engine which serves to actually abstract the hardware and software specifications and interfaces from one or more manufacturers while permitting simulation and configuration of assembled networks to take place. See, e.g., Page 2, lines 8-17. Applicant respectfully submits that maintaining or storing abstracted information, as is the case with Kekic, is not the same as performing the actual step of "abstracting" such information. Moreover, Applicant respectfully submits that even if Kekic does teach or suggest the some form of "abstracting" -- which it clearly does not -- Kekic does not "abstract interface data regarding the at least one network element," as expressly set forth in claim 1, for example.

In fact, as previously asserted, Applicant respectfully submits that Kekic does not teach or suggest any feature or functionality that "abstract[s] interface data regarding at least one network element," as expressly recited in claims 1 and 11. Rather, Applicant respectfully submits that Kekic merely discloses the storage of information characterizing the operation of the network element, not the affirmative step of abstracting interface data:

Hence, in FIG. 3, workstation 320, bridge 330, router 340, and printer 350 include network management agent 321 and network management database 322, network management agent 331 and network management database 332, network management agent 341 and network management database 342, and network management agent 351 and network management database 352, respectively. Each of network management agents 321, 331, 341, and 351 communicates over network 300 using predefined commands, such as those defined above in TABLE 1, and a predefined protocol, e.g., SNMP. **Also, each of the network management agents stores information characterizing the operation of the network element in the network management information database, according to a defined standard, that is associated with the network management agent. The operation of the agents and the storage of data by an agent is the same as in the prior art.**

See, e.g., Kekic Patent, Col. 16, lines 27-44 (emphasis added).

Applicant respectfully submits that storing information about the operation of a network element does not teach or suggest the affirmative act or step of "abstracting" interface data regarding the at least one network element. Further, Applicant respectfully submits that Kekic does not teach or suggest any feature or functionality that performs the abstraction step performed by the claimed systems and methods. Accordingly, Applicant respectfully requests that the anticipation rejection of claims 1 and 11 be withdrawn.

Claims 2-10 and 12-24 are dependent upon independent claim 1 or 11. Thus, since independent claims 1 and 11 should be

allowable as discussed above, claims 2-10 and 12-24 should also be allowable at least by virtue of their dependency on independent claim 1 or 11. Moreover, these claims recite additional features which are not claimed, disclosed, or even suggested by the cited references taken either alone or in combination. For example, claims 23 and 24 recite "wherein network configuration occurs without having to execute a different proprietary tool for each of the at least one network element." Applicant respectfully submits that Kekic does not teach or suggest a processor that operates in the manner recited by the pending claims 23 and 24.

In view of the foregoing, it is respectfully requested that the aforementioned anticipation rejection of claims 1-20, 23 and 24 be withdrawn.

II. THE OBVIOUSNESS REJECTION OF CLAIMS 21 and 22

On page 6 of the Office Action, claims 21 and 22 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Kekic in view of Henderson (U.S. Patent No. 6,788,315). This rejection is hereby respectfully traversed.

As stated in MPEP § 2143, to establish a prima facie case of obviousness, three basic criteria must be met. First, there

must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in applicant's disclosure. In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

The Examiner asserts that Kekic fails to teach wherein the processor is further operable to simulate the network. The Examiner asserts that Henderson teaches a network management system capable of designing, simulating, and modifying the topology of a network based on representations of the network elements (column 5, lines 31-43). The Examiner asserts it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to have combined Kekic and Henderson to provide the management system of Henderson in the system of Kekic, because doing so would allow a flexible network management architecture that can conform to differing protocols (Henderson, column 2, lines 55-65).

Applicant respectfully submits, however, that the Examiner has not cited a proper motivation for one of ordinary skill in the art to combine Kekic and Henderson. In particular, Applicant respectfully submits that Henderson's general discussion of "flexibility" fails to motivate one of ordinary skill in the art to specifically combine Kekic's platform independent computer network manager with Henderson's network management system. More specifically, Henderson relates to a network management architecture that provides an overlay in which network management functions are performed, and thus would not benefit from incorporating Kekic's system and method for managing computer elements through managed element servers and clients.

In view of the foregoing, it is respectfully requested that the aforementioned obviousness rejection of claims 21 and 22 be withdrawn.

III. CONCLUSION

In view of the foregoing, it is respectfully submitted that the present application is in condition for allowance, and an early indication of the same is courteously solicited. The Examiner is respectfully requested to contact the undersigned by

telephone at the below listed telephone number, in order to expedite resolution of any issues and to expedite passage of the present application to issue, if any comments, questions, or suggestions arise in connection with the present application.

To the extent necessary, a petition for an extension of time under 37 CFR § 1.136 is hereby made.

Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-0206, and please credit any excess fees to the same deposit account.

Respectfully submitted,

Hunton & Williams LLP

By: 

Thomas E. Anderson

Registration No. 37,063

TEA/OAF/dja

Hunton & Williams LLP
1900 K Street, N.W.
Washington, D.C. 20006-1109
Telephone: (202) 955-1500
Facsimile: (202) 778-2201

Date: October 21, 2005